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May 31, 2011

BY ECF
Honorable Carol B. Amon
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Rivera v. Arctic Ocean Shipping Ltd., et ano.*,
09 Civ. 4672 (CBA) (JMA)
Our File: D302

Dear Judge Amon:

We are attorneys for defendants and third-party plaintiffs, Arctic Ocean Shipping Ltd. and Trireme Vessel Management NV, in the captioned action. We respectfully write in reply to Mr. Buchsbaum's letter dated May 27, 2011. We believe the compact disc to which Mr. Buchsbaum refers was sent to Mr. Buchsbaum by Federal Express from our office on May 4; we filed hard copies of the disc with the Clerk's office and served them on opposing counsel as stated in our letter to Your Honor dated May 4, 2011.

If for some reason Mr. Buchsbaum did not receive it, it would have been helpful to know that during the last three weeks after it was sent. The Arnott report refers specifically to the compact disc at page 8, as does our Reply Memorandum of Law at pages 22-24, 34-35.

In any event, the objection by plaintiff's counsel is immaterial: the transfer method by chainfall is the same with or without a connecting rod attached to the piston. Nor does the method change if the ship is rolling – the chainfall keeps the piston secured in place. Neither plaintiff nor his alleged expert show or otherwise explain any alleged difference. The video demonstration (not "an attempted re-enactment" as plaintiff alleges) responded to and corrected plaintiff's assertion of inaccurate facts.

For these reasons, we respectfully submit that Mr. Buchsbaum's objection is not well-founded.

Respectfully,

John R. Keough, III

cc: **By ECF**
Andrew V. Buchsbaum, Esq.
Thomas A. Brown, Esq.